

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AARON COOPER,

No. C 14-2668 SI (pr)

Petitioner,

ORDER OF DISMISSAL

v.

JEFFREY BEARD, Secretary of CDCR,

Respondent.

Aaron Cooper, a prisoner at the Salinas Valley State Prison, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 to challenge his 2004 murder conviction in Alameda County Superior Court. He has challenged that conviction previously and must obtain the appellate court's permission to challenge it again.

Cooper's first federal petition for writ of habeas corpus, *Cooper v. Woodford*, No. C 08-1516 SI, was filed in March 2008 and denied on the merits in June 2010. The Ninth Circuit affirmed the denial of the petition for writ of habeas corpus. The U.S. Supreme Court denied Cooper's petitions for writ of certiorari and rehearing.

A second or successive petition may not be filed in this court unless the petitioner first obtains from the United States Court of Appeals for the Ninth Circuit ("Ninth Circuit") an order permitting this court to consider the petition. 28 U.S.C. § 2244(b)(3)(A). Cooper has not obtained the required permission from the Ninth Circuit. This court will not entertain a new petition for writ of habeas corpus from Cooper until he first obtains permission from the Ninth Circuit to file such a petition. This action is **DISMISSED** without prejudice to Cooper filing a

1 petition for writ of habeas corpus in this court after he obtains the necessary order from the Ninth
2 Circuit.

3 If Cooper wants to attempt to obtain the necessary order from the Ninth Circuit, he should
4 file an "Application For Leave To File Second Or Successive Petition" in the Ninth Circuit (at
5 95 Seventh Street, San Francisco, CA 94103). A copy of the form application is enclosed with
6 this order for his convenience.


7 Cooper's application to proceed *in forma pauperis* is DENIED because he has sufficient
8 funds to pay the \$5.00 filing fee for a habeas action. (Docket # 5, # 6.) Cooper must pay the
9 \$5.00 filing fee no later than **August 1, 2014**.

10 Cooper's motion for appointment of counsel is DENIED. (Docket # 3.) Appointment of
11 counsel is not appropriate in light of the dismissal of this action.

12 The clerk shall close the file.

13 IT IS SO ORDERED.

14 DATED: June 26, 2014



SUSAN ILLSTON
United States District Judge